THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.9318 of 2006

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Dated 28-04-2006

Between:

V.Udaya Bhaskara Rao.

..... PETITIONERS

AND

The Joint Deputy Director General, BSNL, Chandralok Building, 10th Floor, Janpath, New Delhi & others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITIONNO. 9318 OF 2006

ORDER:

Petitioner questions his order of transfer dated 20.04.2006 as being contrary to the transfer policy guidelines of the respondents, which require that a person be stationed at a particular place for three years. Petitioner would state that earlier he was working in the State of Karnataka and that his request for transfer was considered since he was suffering from Diabetes and other ailments and he was posted in Andhra Pradesh. Petitioner would submit that within eight months thereafter he has now been transferred to Gujarat contrary to the transfer policy. Petitioner submitted a representation on 22.04.2006 seeking his retention in Andhra Pradesh. However, the said representation has not been

considered till date.

Heard Sri K. Venkateswara Rao, learned Counsel for the petitioner and Sri B. Devanand, learned Standing Counsel for the respondents.

It is well settled that transfer is an incident of service and that no employee can claim to be retained at a particular place. While the guidelines in this regard should, normally, be observed, these guidelines, which are in the nature of executive instructions, cannot be enforced by a writ of Mandamus (**Union of India Vs. S.L. Abbas**), and any grievance of an employee with regards his transfer can only be represented to the authorities concerned. Inasmuch as the petitioner has submitted a representation on 22.04.2006, the respondent-authorities are directed to consider his representation and pass appropriate orders thereupon within two weeks from the date of receipt of a copy of this order.

The writ petition is accordingly disposed of. No order as to costs.

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28.04.2006

Note: Furnish copy by Tuesday

B/o

usd